IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 25559 of 2003

Between:

Kuruala Veera Venkata Surya Satya Kumar, S/o. Venkata Sundara Rao,

Aged about 39 years, Junior Medical Officer, Presently working as Lecturer in Jaya Surya Potti Sreeramulu Government Homeo Medical College, Ramanthapuram, Hyderabad.

..... PETITIONER

AND

1 The Secretary to Government Health, Medical and Family Welfare Department, Secretariat, A.P.Hyderabad.
2 The Registrar, NTR University of Health Sciences, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction especially in the nature of a writ of mandamus declaring the action of the 1st respondent in not considering G.O.Ms.No.442 HM & FW (1-2) Department Dt:25-11-2002 and keeping the said G.O. in abeyance temporarily by G.O.Rt. No.496 HM & FW (1-2) Department Dt.17-6-2003 and deciding to fill up the seats of Post Graduate of Ayurveda/Unani/Homeopathy by following old existing Post Graduate Admission Rules is arbitrary, contrary to the law and violative of Article 14 & 16 of the Constitution of India, consequently struck down the same as illegal by directing the respondents 1 and 2 to create one addition seat in the course of M.D Homeo under the in service quota for the present academic year 2003-2004 in J.S.P. Government Homeo Medical College, Ramanthapuram, Hyderabad immediately in the interest of justice.

Counsel for the Petitioner: MR.K.K.CHAKRAVARTHY

Counsel for Respondent No.1: Government Pleader for Medical Health & Family Welfare

Counsel for Respondent No.2: Smt. Y. Padmavathi, S.C.

The Court made the following:

O R D E R:

This writ petition is filed seeking a declaration that the action of the first respondent in not considering G.O.Ms.No.442, HM & FW (I-2) Department, dated 25-11-2002 by keeping the said G.O. in abeyance thereby deciding to fill up the seats of Postgraduate Courses of Ayurveda / Unani / Homoeopathy by following the existing Postgraduate Admission Rules for the academic year 2003-2004 as arbitrary and illegal.

The petitioner sought admission into M.D. Homoeo course for the academic year 2003-04 as an inservice candidate. He contends that the action of the respondent in issuing G.O.Rt.No.496, HM & FW Department, dated 17-06-2003 thereby keeping G.O.Ms.No.442 which enables the inservice candidates to seek admission in MD Course of Homoeo in abeyance is arbitrary and illegal.

When the matter is taken up for consideration, the learned Standing Counsel appearing for the second respondent at the outset raised a preliminary objection as to the maintainability of the writ petition contending that this writ petition which has been filed long after the completion of the admissions for the academic year 2003-04 cannot be entertained. The learned Standing Counsel has also brought to my notice that W.P.Nos.26372 of 2003 and 1156 of 2004 in which similar question relating to the implementation of

G.O.Ms.No.442, dated 25-11-2002 fell for consideration were dismissed by common judgment dated 31-03-2004 on the ground that the admissions for the academic year 2003-04 were closed. The said fact has not been disputed by the learned Counsel for the petitioner.

Accordingly, the Writ Petition is dismissed having been rendered infructuous. However, liberty is reserved to the petitioner to approach the Court again for implementation of G.O.Ms.No.442, dated 25-11-2002 for the next academic year in case necessity thereof arises. No costs.

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(**G. ROHINI, J**)

Date:01-12-2004

ghn

To

1 The Secretary to Government Health, Medical and Family Welfare Department, Secretariat, A.P.Hyderabad.

2 The Registrar, NTR University of Health Sciences, Vijayawada.

3 Two CCs to the Government Pleader for Medical Health and Family Welfare, High Court of A.P., Hyderabad.(O.U.T.)

4 Two CD copies.